



2015 ASSEMBLY BILL 983

March 10, 2016 – Introduced by Representatives GOYKE, BARNES, BOWEN, BROSTOFF, KESSLER, BERCEAU, JOHNSON, CONSIDINE and ZAMARRIPA, cosponsored by Senator L. TAYLOR. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 971.23 (1) (intro.) and 971.23 (6m); and *to create* 971.015 of
2 the statutes; **relating to:** disclosure at a defendant's initial appearance.

Analysis by the Legislative Reference Bureau

This bill requires the district attorney to disclose at a defendant's initial appearance before a judge any pertinent law enforcement investigative reports and a copy of the defendant's criminal record if the defendant is charged with a misdemeanor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 971.015 of the statutes is created to read:
4 **971.015 Discovery at the initial appearance.** At the initial appearance, if
5 the defendant is charged with a misdemeanor, the district attorney shall disclose, if
6 in the district attorney's possession, law enforcement investigative reports relating
7 to the case and a copy of the defendant's criminal record. Disclosure under this
8 section shall be made after the defendant has obtained or waived legal

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1 representation and shall be made in the manner provided in s. 971.23 (10). For good
2 cause shown, the court may allow a delay in disclosure under this section.

3 **SECTION 2.** 971.23 (1) (intro.) of the statutes is amended to read:

4 971.23 (1) WHAT A DISTRICT ATTORNEY MUST DISCLOSE TO A DEFENDANT. (intro.)

5 Upon demand, the district attorney shall, within a reasonable time before trial,
6 disclose to the defendant or his or her attorney and permit the defendant or his or
7 her attorney to inspect and copy or photograph all of the following materials and
8 information not previously disclosed before or at the initial appearance, if it is within
9 the possession, custody, or control of the state:

10 **SECTION 3.** 971.23 (6m) of the statutes is amended to read:

11 971.23 (6m) IN CAMERA PROCEEDINGS. Either party may move for an in camera
12 inspection by the court of any document required to be disclosed under sub. (1) or
13 (2m) or s. 971.015 for the purpose of masking or deleting any material which is not
14 relevant to the case being tried. The court shall mask or delete any irrelevant
15 material.

16 (END)